GOVERNMENT OF ANDHRA PRADESH
ABSTRACT.

Public Services-Transport Department-Surprise Check conducted by the ACB on the O/o Deputy Transport Commissioner, Chittoor on 29.10.2007 on the allegations of corrupt practices-Disciplinary Action initiated against Sri B.Venkata Ramanaiah, the then Senior Assistant, O/o Deputy Transport Commissioner, Chittoor and six(6) other officials of O/o Dy.Tr.Commr., Chittoor-Case Entrusted to Commissioner Of Inquiries(COI-P) for Detailed Enquiry-Enquiry Conducted-Enquiry Report submitted-Imposition of Punishment of Withholding of One(1) Annual Grade Increment Without Cumulative Effect against Sri B.Venkata Ramanaiah, the then Senior Assistant, O/o Deputy Transport Commissioner, Chittoor, and presently Senior Assistant, O/o Deputy Transport Commissioner, Kadapa-Orders-Issued.

TRANSPORT, ROADS & BUILDINGS(VIG.TR.)DEPARTMENT

G.O.RT.No. 173 **Dated: 31-03-2016**

Read the following:

1)From the Director-General, Anti-Corruption Bureau, A.P., Hyderabad, Letter No.79/DES-TCT/2007, Dated:01.04.2008.
2)Govt.Memo No.5434/Vig.III/A2/2008-1, Dated:02.01.2009.
3)Charge Memo No.7904/V3/2007-4, Dated:07.02.2009 of Transport Commissioner, A.P., Hyderabad.
4)From Sri B.Venkata Ramanaiah, Senior Assistant, O/o Deputy Transport Commissioner, Chittoor, Written Statement of Defence Dated:20.02.2009.
5)From the Transport Commissioner, A.P., Hyderabad, Letter No. 7904/V3/2007, Dated:16.04.2011.
6)G.O.Rt.No.650, T,R&B(Vig.III.2)Deptt., Dated:27.06.2012.
7)From General Administration(COI.P)Department, D.O.Letter No. 210/COI.P/2012-7, Dated:13.02.2014.
8)Govt.Memo No.5434/Vig.Tr./A2/2008-10, Dated:31.12.2014.
9)From the Transport Commissioner, A.P., Hyderabad, Letter No. 7904/V3/2007, Dated:06.07.2015.

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ORDER:

In the reference first read above, the Director-General, Anti-Corruption Bureau, A.P., Hyderabad submitted his Surprise Check Report, stating that a Surprise Check was conducted by the Bureau on 29.10.2007 on the Office of Deputy Transport Commissioner, Chittoor which revealed that the Officers and staff of the said Office are committing irregularities by employing unauthorized Private Persons as Agents while discharging their official duties and thereby indulging in corruption and has, therefore, recommended Departmental Action for Major Penalty against Sri B.Venkata Ramanaiah, the then Senior Assistant, O/o Deputy Transport Commissioner, Chittoor and six others of the O/o Dy.Tr.Commr., Chittoor.

Government, after careful examination of the matter, have requested the Transport Commissioner, A.P., in the reference second read above, to initiate Disciplinary Proceedings against Sri B.Venkata Ramanaiah, the then Senior Assistant, O/o Deputy Transport Commissioner, Chittoor, for certain irregularities committed by him. In pursuance of the above Instructions issued by the Government, the Transport Commissioner, A.P., Hyderabad has initiated Disciplinary Proceedings against Sri B.Venkata Ramanaiah, the then Senior Assistant, O/o Deputy Transport Commissioner, Chittoor by framing articles of charges in the reference third read above.

In the reference fourth above, Sri B.Venkata Ramanaiah, Senior Assistant, O/o Deputy Transport Commissioner, Chittoor, submitted his Written Statement of Defence, denying the charges and requesting to drop further action. In the reference fifth read above, the Transport Commissioner, A.P., has requested the Government to entrust the case to the Commissionerate Of Inquiries for conducting Departmental Enquiry under Common Proceedings, since there are limited number of Officers above the rank of Deputy Transport Commissioner and large number of Enquiries are pending with them.

In the G.O. sixth read above, orders were issued appointing Dr.Prem Chand, IAS(Retd.), Commissioner of Inquiries, General Administration Department as Inquiring Authority to conduct Detailed Inquiry into the charges framed against Sri B.Venkata Ramanaiah, the then Senior Assistant,

O/o Deputy Transport Commissioner, Chittoor and six(6) other Officers and staff of O/o Dy.Tr.Commr., Chittoor.

In the reference seventh read above, the Inquiring Authority submitted his Enquiry Report, holding the charges against Sri B.Venkata Ramanaiah, the then Senior Assistant, O/o Deputy Transport Commissioner, Chittoor as PARTLY PROVED.

In the reference eighth read above, a copy of the Enquiry Report was communicated to the Charged Officer, Sri B.Venkata Ramanaiah, Senior Assistant, O/o Deputy Transport Commissioner, Kadapa, for his Further Representation, if any.

Sri B.Venkata Ramanaiah, Senior Assistant, O/o Deputy Transport Commissioner, Kadapa, submitted his Further Representation Dated: 05.06.2015 received through the reference ninth read above, wherein, at the outset while denying the charges in toto, he has represented that perusal of the Report of the Learned Inquiry Authority revealed that the Learned Inquiry Authority held the part of the charge that he was collecting bribes by employing agents could not be established and the other part of the charge that he declared personal cash of Rs.200/- whereas he was found in possession of Rs.2,140/- was held as Proved; that though during the Enquiry Sri Murgesh Natter, Sri M.Giridhar Rao and Sri D.Rama Das were examined as PW-1, PW-2 & PW-3 respectively, yet the allegation made against him that physical presence of the private persons/agents in the Office and excess cash amount of Rs.2,140/- found in his possession disclosed that he is in the habit of collecting illegal amounts by employing private persons as agents and as such he has been found in possession of excess cash was not established; that he has also submitted his Written Submissions in detail to the Enquiry Officer, duly enclosing the documentary evidence and reiterated that he did not exhibit lack of integrity and devotion to duty and conduct unbecoming of a Govt. Servant and therefore did not contravene Rule 3(1) & (2) of APCS(Conduct)Rules, 1964; that the Enquiry Officer was kind enough to hold that employing agents for collecting bribe could not be established in his case; that, however, the Enquiry Officer observed that instead of making over-writing in the Register, i.e., correction of the Personal Cash Register by making Rs.200/- as Rs.2200/-, he should have crossed initial entry and he should have made fresh entry of the amounts present in his possession., thus, that the procedure is only technical in nature and by no stretch of imagination it can be held that the charge is sustained; that, most unfortunately, and in spite of the above observations, the Enquiry Officer held that the charge as sustained., that the Findings of the Enquiry Officer are self-contradictory; even assuming and not conceding that instead of making over-writing, he should have crossed the initial entry and he should have made fresh entry of the amounts present in his possession, it cannot be said that the charge is sustainable, in the light of the specific Findings of the Enquiry Officer that employing agents for collecting bribe could not be established; that when the charge of employing agents for collecting bribe could not be established against him, mere technicality in making the entry either by overwriting/correcting the amount in the entry already made or crossing the earlier entry and making a fresh entry does not really make any difference; that it is like 'no mention' or 'mention not', which does not make any difference, but carry the same meaning; that when there are two possibilities, the one which is favourable to the Employee shall be considered; that in the instant case, as mentioned above, the Enquiry Officer has opined that he should have crossed the previous entry and should have made a fresh entry, but he has corrected the amount in the same entry and also specifically mentioned the purpose for which the said amount was brought, i.e., for medical purpose only, which has not been disputed by the Presenting Officer; that, in the above circumstances and in the light of the Findings by the Enquiry Officer that the Principal Charge of employing agents by me for collecting bribe could not be established, the Ancillary Charge that excess cash found in his possession has not been found to be illegal amount and, therefore, the Enquiry Officer ought to have held that the charge against him is Not Established; that the Enquiry Officer, in spite of holding that employing agents by him for collecting bribe could not be established and that instead of making over-writing he should have crossed the initial entry and made fresh entry of the amounts present in his possession, erroneously held that the Charge is sustainable; and he has submitted that, in view of the above, he has beseeched the Government to intervene in his case personally and drop Further Proceedings in the matter.

Government have examined the entire issue carefully and have observed that "the contentions raised by the Charged Officer are not tenable. As per G.O.Ms.No.200, Genl.Admn.(SER.C)Deptt., Dated:26.03.2007, the Government directed that all Employees of all Departments dealing with cash, including Revenue Collecting Departments, shall give a Declaration as follows:

i) Declaration of Personal Cash at the time of reporting to duty if in excess of Rs.500/-

ii) Cash may be declared while on tour if in excess of Rs.10,000/-

In the instant case, it is noticed that the Charged Officer was found in possession of an excess amount of Rs.1,940/- than the amount declared by him in the Personal Cash Declaration Register, as he was found with an amount of Rs.2,140/-, as against the amount of Rs.200/- declared by him on 29.10.2007 in the Personal Cash Declaration Register. The Charged Officer could not satisfactorily explain the excess unaccounted personal cash of Rs.1,940/- found with him. His defence appears to be not convincing". Therefore, Government have decided to accept the Finding of the Inquiring Authority, COI.P., in respect of Sri B.Venkata Ramanaiah, the then Senior Assistant, O/o Deputy Transport Commissioner, Chittoor in the light of Government Instructions on Personal Cash vide G.O.Ms.No.200, Genl.Admn. (SER.C)Deptt., Dated:26.03.2007, and to inflict the punishment of Withholding of One Annual Grade Increment Without Cumulative Effect against the above named Charged Officer for his delinquency.

Accordingly, Government hereby impose the penalty of Withholding of One Annual Grade Increment Without Cumulative Effect against Sri B.Venkata Ramanaiah, the then Senior Assistant, O/o Deputy Transport Commissioner, Chittoor, and presently Senior Assistant, O/o Deputy Transport Commissioner, Kadapa.

The Transport Commissioner, Andhra Pradesh, Hyderabad shall take further necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B.SAM BOB,
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri B.Venkata Ramanaiah, Senior Assistant, O/o Deputy Transport Commissioner, Kadapa **THROUGH** the Transport Commissioner, A.P., Hyderabad.
The Transport Commissioner, A.P., Hyderabad.
Copy to:
1)The Director-General, Anti-Corruption Bureau, A.P., Hyderabad.
2)The Secretary to Vigilance Commissioner, A.P.Vigilance Commission, Hyderabad.
3)The General Administration(COI.P)Department, for information.
4)SF/SC's.

//FORWARDED:: BY ORDER//

SECTION OFFICER